

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 95-15
(August 3, 1995)

**Participating with Police in Joint Project
To Reduce Outstanding Warrants**

Issue

May a court cooperate with the police in sending a letter to persons with outstanding arrest warrants?

Answer: Yes.

Facts

A city court worked with a local police department to prepare a letter to send to defendants with outstanding arrest warrants. Court staff drafted the letter, and the police approved it. The letter, the purpose of which was to reduce the number of outstanding warrants, warned defendants of possible arrest. It was printed on police stationery and mailed by the city mailroom.

Discussion

There is nothing improper in cooperation between the judiciary and law enforcement in this matter. The courts have the duty to issue warrants, and the police have the duty to execute them. *See* Rules 3.1, 3.2, Arizona Rules of Criminal Procedure. Police agencies and judicial employees necessarily work hand-in-hand in such matters.

We also find nothing improper in the purpose of the letter. The intent of the letter is to induce the recipients' appearance in court. The defendants are already obligated to appear, and the warning letter from the police merely advises defendants of the serious consequences that will follow if they continue to ignore court orders. Thus, neither the purpose of the letter nor the court's cooperation in preparing it impairs the independence of the judiciary (Canon 1). The appearance of propriety (Canon 2A) is not undermined by this type of joint effort.

Some judges were concerned that the court was involved in a letter which purports to be from the police. Clearly a judge should not be a party to misleading defendants, because such conduct would not promote "public confidence in the integrity and impartiality of the judiciary." (Canon 2A). But we do not believe that the letter is misleading. Its source is not misidentified, and although court staff prepared the text and provided a court telephone number for information, that is the extent of the judiciary's involvement. The text was approved by the police, who printed the letter on police stationery. The letters were actually mailed by the city mailroom, which—like the police—is apparently a part of the municipality's executive branch of government.

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The content of the letter does not appear to be misleading either. The letter merely informs the recipient that there is an outstanding arrest warrant, that an officer has been assigned to the matter and directed to effectuate the arrest, that any police officer may execute the arrest, and that the matter can be resolved through the court. Assuming the truth of these assertions, the letter does not reflect adversely on the judiciary.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 1 and 2A (1993).

Other References

Arizona Rules of Criminal Procedure, Rules 3.1 and 3.3.